

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IVAN ALEXANDROVICH VETCHER,)	
)	
Plaintiff,)	
)	
v.)	
)	
IMMIGRATION AND CUSTOMS)	
ENFORCEMENT, et al.,)	
)	
Defendants.)	Civil Action No. 1:16-CV-164-C

ORDER

In the Report and Recommendation filed February 2, 2017, the Magistrate Judge recommended that the Court deny the motion of Plaintiff Ivan Alexandrovich Vetcher, proceeding pro se, to certify a class under Federal Rule of Civil Procedure 23. Plaintiff's Objections to the Report and Recommendation were filed on February 24, 2017, but Plaintiff certifies that he mailed them on February 15, 2017; the Objections are therefore timely filed.

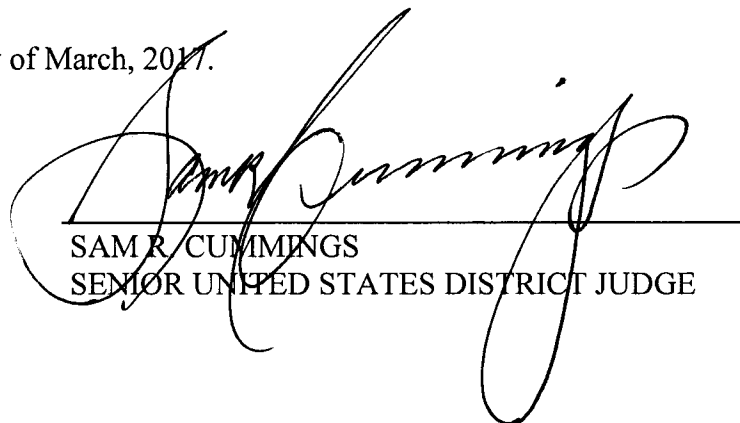
Plaintiff's sole objection is that the appointment of counsel will cure the issue of his representing a class as a pro se party. Along with his objection, he has filed motions for joinder and renewed motions for the appointment of counsel. But the Court has previously found that Plaintiff is not entitled to the appointment of counsel, and there appear to be no new facts or intervening law that would cause the Court to revisit that decision. After considering the arguments raised in the Objections and reviewing the arguments raised in Plaintiff's Motion, the Court finds that the Objections should be **OVERRULED**. As already noted in a prior order of the Magistrate Judge in this case, a pro se plaintiff in a civil action is not entitled to appointment

of counsel. Moreover, as found by the Magistrate Judge in the Report and Recommendation, Plaintiff has failed to meet the four prerequisites of Rule 23 to obtain class certification. Specifically, a pro se plaintiff is not an adequate class representative—the law is settled on this point. Moreover, the Court does not believe that Plaintiff has satisfied his burden of showing that the other Rule 23 requirements are met. Finally, as noted by not only the Magistrate Judge but also the Plaintiff himself, the Court may exercise its discretion in whether or not it will grant class certification.

Therefore, it is **ORDERED** that the findings and conclusions in the Report and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court and the Motion to Certify Class under Federal Rule of Civil Procedure 23 is **DENIED**.

The above-styled and -numbered civil action is returned to the docket of the Honorable E. Scott Frost, United States Magistrate Judge, for case management and all further proceedings consistent with Second Amended Special Order No. 3-301.

SO ORDERED this 3rd day of March, 2017.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE